UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

FIFTH COMMITTEE
44th meeting
held on
Thursday, 21 December 1995
at 11.30 p.m.
New York

SUMMARY RECORD OF THE 44th MEETING

Chairman: Mr. VILCHEZ ASHER (Nicaragua)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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The meeting was called to order at midnight.

AGENDA ITEM 113: FINANCIAL REPORTS AND AUDITED FINANCIAL STATEMENTS, AND REPORTS OF THE BOARD OF AUDITORS (continued)

Draft resolution A/C.5/50/L.20

1. Mr. AMARI (Tunisia), Vice-Chairman, read out a number of editing changes to the text of draft resolution A/C.5/50/L.20. It had been decided during informal consultations that the question of the term of office of members of the Board of Auditors should be considered by the Committee at the resumed fiftieth session.

2. Draft resolution A/C.5/50/L.20, as orally revised, was adopted.

AGENDA ITEM 135: FINANCING OF THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA (continued)

Draft resolution A/C.5/50/L.23

3. Ms. ROTHEISER (Austria) said that the General Assembly would decide in draft resolution A/C.5/50/L.23 to appropriate to the Special Account for the United Nations Assistance Mission for Rwanda the amount of $32,324,500 gross for the operation of the Assistance Mission for the period 1 January-8 March 1996. She commended the draft text for adoption without a vote.

4. Draft resolution A/C.5/50/L.23 was adopted.

AGENDA ITEM 134: FINANCING OF THE UNITED NATIONS OBSERVER MISSION IN LIBERIA (continued)

Draft resolution A/C.5/50/L.24

5. Mr. ABELIAN (Armenia), Vice-Chairman, said that under the draft resolution the General Assembly would decide, as an ad hoc arrangement, to apportion among Member States the amount of $9,773,600 in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232. It would further decide that, for Member States that had fulfilled their financial obligations to the Observer Mission, there would be set off against the apportionment their respective share in the unencumbered balance of $226,890 gross for the period 23 October 1994-30 June 1995. He hoped that the draft resolution could be adopted without a vote.

6. Draft resolution A/C.5/50/L.24 was adopted.

AGENDA ITEM 128: FINANCING OF THE UNITED NATIONS PROTECTION FORCE, THE UNITED NATIONS CONFIDENCE RESTORATION OPERATION IN CROATIA, THE UNITED NATIONS PREVENTIVE DEPLOYMENT FORCE AND THE UNITED NATIONS PEACE FORCES HEADQUARTERS (continued)

Draft decision A/C.5/50/L.26

7. Mr. HAMMARSKJÖLD (Sweden) said that in draft decision A/C.5/50/L.26 the General Assembly would decide, on an exceptional basis, to authorize the Secretary-General to enter into commitments for the operations in the former Yugoslavia for the period 1 January-31 March 1996 in the amount of $100 million gross. It would request the Secretary-General to submit cost estimates to the General Assembly at its resumed fiftieth session and would decide, as an ad hoc arrangement, to assess the amount of $89,484,800 gross for the period 1 January-31 March 1996 among Member States. The proposals were designed to provide bridging financing pending consideration of the cost estimates at the resumed fiftieth session, in accordance with the Advisory Committee's recommendations. He hoped that the draft decision could be adopted without a vote.

8. Draft decision A/C.5/50/L.26 was adopted.

AGENDA ITEM 123: FINANCING OF THE UNITED NATIONS ANGOLA VERIFICATION MISSION (continued)

Draft resolution A/C.5/50/L.25

9. Mrs. EMERSON (Portugal) said that the draft text had been agreed upon during informal consultations and she commended it for adoption without a vote.

10. Draft resolution A/C.5/50/L.25 was adopted.

AGENDA ITEM 120: SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS (continued)

Draft resolution A/C.5/50/L.21

11. Mr. KELLY (Ireland) said that the draft resolution recognized the importance of requests with respect to the application of Article 19 being considered by the Committee on Contributions in accordance with rule 160 of the rules of procedure of the General Assembly. It requested the Committee on Contributions to hold a special session of one week's duration as early as possible in 1996 to consider representations from Member States with respect to the application of Article 19 of the Charter and invited Member States to submit detailed information to the Committee on Contributions in explanation of their requests as soon as possible so as to facilitate the work of the Committee.

12. Draft resolution A/C.5/50/L.21 was adopted.

Draft decision A/C.5/50/L.22

13. Draft decision A/C.5/50/L.22 was adopted.

Draft decision A/C.5/50/L.28

14. Draft decision A/C.5/50/L.28 was adopted.

15. Mr. YAMAK (Turkey), speaking in explanation of position after the decision, said that the more than 40 per cent increase in Turkey's assessment for the period 1995 to 1997 was due to the fact that the Committee on Contributions had interpreted paragraph 2 of General Assembly resolution 48/223 B in a manner to exclude Turkey. His delegation hoped that the draft decision just adopted would provide the Committee on Contributions with an opportunity to reconsider its approach to the matter by taking into account the fact that the aim of paragraph 2 of resolution 48/223 B was to decrease the negative effects of the phase-out of the scheme of limits on developing countries benefiting from the scheme during the phase-out period. His delegation expected that, in accordance with rule 160 of the rules of procedure, the Committee on Contributions would make the necessary adjustments to Turkey's assessment.

Draft resolution A/C.5/50/L.8

16. The CHAIRMAN invited the Committee to resume its consideration of draft resolution A/C.5/50/L.8, submitted by the delegation of Iraq and introduced at the 43rd meeting.

17. Ms. ALMAO (New Zealand), speaking on a point of order, said that her delegation had supported a generous interpretation of waivers of the provisions of Article 19 of the Charter. There were a number of countries whose difficult circumstances warranted sympathetic consideration; Iraq was not such a case, however.

18. Iraq stated that its accumulated arrears were due to circumstances beyond its control because of sanctions imposed by the Security Council following its invasion of a neighbouring State. Iraq did have access to convertible currency, however, and if it did not give priority to using such assets to pay its assessed contribution to the United Nations, that was its choice.

19. Her delegation did not believe that it had ever been the intention of the drafters of the Charter for a waiver of Article 19 to be granted in circumstances such as those relating to Iraq. She therefore proposed that no action should be taken on draft resolution A/C.5/50/L.8, and also proposed a motion under rule 117 of the rules of procedure of the General Assembly that the debate on that draft resolution should be closed.

20. Mr. HANSON (Canada) said that his delegation agreed completely with the New Zealand motion. Since it was within the power of Iraq to obtain the lifting of the Security Council sanctions by complying with the terms set by the Council, the circumstances in which Iraq found itself were not beyond its control.

21. Mr. HO Tong Yen (Singapore) said that his delegation questioned whether a Member State which had lost the right to vote under Article 19 of the Charter had the right to propose a resolution.

22. Mr. ELMONTASER (Libyan Arab Jamahiriya) said that his delegation objected to the New Zealand proposal because of the difficult economic situation facing Iraq. There was no political reason behind its failure to pay its assessment. Iraq had asked to pay in local currency but had been refused. It had also requested the release of frozen assets in order to pay its assessment, but that request had also been denied. Iraq had not asked for an exemption, but had pledged to pay its arrears once the sanctions had been lifted or mitigated.

23. Mr. GIRARD (France) supported the New Zealand motion. The current circumstances did not justify restoring Iraq's right to vote.

24. Mr. MOKTEFI (Algeria) said that his delegation opposed the New Zealand motion; the matter should be put to a vote.

25. Ms. RODRIGUEZ (Cuba) said that her delegation opposed the New Zealand motion because it believed that the discussion of any matter of importance to any Member State should not be impeded.

26. At the request of the representative of New Zealand, a recorded vote was taken on the motion for closure of debate under rule 117 of the rules of procedure of the General Assembly.

In favour: Argentina, Armenia, Australia, Austria, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Canada, Chile, Colombia, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Saudi Arabia, Singapore, South Africa, Spain, Swaziland, Sweden, Trinidad and Tobago, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Algeria, Cuba, Libyan Arab Jamahiriya.

Abstaining: Bangladesh, Belarus, Brunei Darussalam, Bulgaria, China, Egypt, India, Indonesia, Kenya, Latvia, Malaysia, Namibia, Nigeria, Pakistan, Panama, Philippines, Republic of Moldova, Russian Federation, Tunisia, Ukraine, United Republic of Tanzania, Venezuela, Zimbabwe.

27. The motion was adopted by 48 votes to 3, with 23 abstentions.

28. Mr. HASAN (Iraq) expressed his delegation's gratitude to those who had voted against the motion. It was regrettable that some States had resorted to procedural methods to close the discussion before States had been allowed to air their views.

29. Ms. PEÑA (Mexico), speaking in explanation of vote, said that her delegation recognized that the General Assembly had a mandate to review all requests for waivers under Article 19 of the Charter. Given the current financial situation, either waivers should be granted to all countries that requested them, or none should be given, in order to ensure consistency. Her

delegation had supported the motion, and would have voted against the draft resolution.

30. Mr. HENG Choan Boon (Singapore) said that his delegation had also supported the motion.

AGENDA ITEM 138: ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued)

(a) FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued)

(b) RELOCATION OF UKRAINE TO THE GROUP OF MEMBER STATES SET OUT IN PARAGRAPH 3 (c) OF GENERAL ASSEMBLY RESOLUTION 43/232 (continued)

Draft decision A/C.5/50/L.13

31. Mr. MADDENS (Belgium) introduced draft decision A/C.5/50/L.13, by which the General Assembly would continue its review of the support account for peace-keeping operations at its resumed session in March 1996, and the 61 temporary posts authorized in paragraph 12 of General Assembly resolution 49/250 would be extended for the period 1 February-31 March 1996.

32. Draft decision A/C.5/50/L.13 was adopted.

Draft decision A/C.5/50/L.15

33. Draft decision A/C.5/50/L.15 was adopted.

Draft decision A/C.5/50/L.14

34. Draft decision A/C.5/50/L.14 was adopted.

Draft decision A/C.5/50/L.9

35. The CHAIRMAN suggested that the Committee should recommend to the General Assembly that it should defer consideration of draft decision A/C.5/50/L.9 entitled "Relocation of Ukraine to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232" to its resumed fiftieth session.

36. It was so decided.

37. Mr. HUDYMA (Ukraine) said that his delegation had agreed with difficulty to defer consideration of the matter for the third consecutive year. It appreciated the sympathy and support of the international community, but practical assistance to stop the accumulation of arrears due to its location in group B would also be welcome. At the resumed session his delegation intended to be more decisive in its efforts to gain support for its request.

38. Mr. ORANGE (Belarus) said that his delegation had joined the sponsors of the draft decision. Belarus had left group B three years earlier, and regretted that Ukraine had not yet succeeded in its efforts to do so.

39. Mr. DEINEKO (Russian Federation) said that it was a position of principle of his delegation that a solution to the problem of the arrears of all Members should be found through reform. His delegation had agreed to defer discussion of the item because it respected the commitment of Ukraine to the principle of consensus.

AGENDA ITEM 116: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997 (continued)

Conditions of service and compensation for officials, other than Secretariat officials, serving the General Assembly: full-time members of the International Civil Service Commission and the Chairman of the Advisory Committee on Administrative and Budgetary Questions (continued) (A/C.5/50/12)

40. Mr. ABELIAN (Armenia) read out the text of the following draft decision:

"The General Assembly takes note of the report of the Secretary-General on conditions of service and compensation for officials, other than Secretariat officials, serving the General Assembly: full-time members of the International Civil Service Commission, and Chairman of the Advisory Committee on Administrative and Budgetary Questions, and requests the Advisory Committee on Administrative and Budgetary Questions to report thereon to the first part of the resumed fiftieth session of the General Assembly, in accordance with established procedure."

41. The draft decision was adopted.

AGENDA ITEM 121: UNITED NATIONS COMMON SYSTEM (continued) (A/50/7/Add.7; A/C.5/50/24 and Corr.1; A/C.5/50/L.27)

42. The CHAIRMAN drew attention to documents A/C.5/50/24 and Corr.1, entitled "Administrative and financial implications of the decisions and recommendations contained in the report of the International Civil Service Commission", and to the report of the Advisory Committee on the same subject, contained in document A/50/7/Add.7. He would take it that the Committee wished to take note of those two documents.

43. It was so decided.

Draft resolution A/C.5/50/L.27

44. Ms. ALMAO (New Zealand) introduced the draft resolution and commended it to the Committee for adoption without a vote.

45. Draft resolution A/C.5/50/L.27 was adopted.

The meeting rose at 1.30 a.m.

UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

FIFTH COMMITTEE
45th meeting
held on
Friday, 22 December 1995
at 7.30 p.m.
New York

SUMMARY RECORD OF THE 45th MEETING

Chairman: Mr. VILCHEZ ASHER (Nicaragua)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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COMPLETION OF THE COMMITTEE'S WORK

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The meeting was called to order at 9.55 p.m.

AGENDA ITEM 115: PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995 (continued)

Final appropriations for 1994-1995

1. The Fifth Committee decided to recommend to the General Assembly that it should approve the amount of $2,632,435,300 for expenditures in 1994-1995, as adjusted by the Advisory Committee.

2. Mr. GRANT (United States of America) said that at an earlier meeting his delegation had raised various questions relating to the final appropriations, and would have welcomed time to consider the responses in view of the significant cost implications. Nevertheless his delegation had participated in approval of the final appropriations in order to enable the Committee to complete its work.

AGENDA ITEM 116: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997 (continued)

3. The CHAIRMAN invited the Committee to adopt the following draft resolution on the administrative expenses of the United Nations Joint Staff Pension Fund, previously adopted informally by the Committee:

"The General Assembly,

"Having considered the report of the Standing Committee of the United Nations Joint Staff Pension Board for 1995 to the General Assembly and to the member organizations of the United Nations Joint Staff Pension Fund, and the related report of the Advisory Committee on Administrative and Budgetary Questions,

"1. Concurs with the recommendations of the Advisory Committee on Administrative and Budgetary Questions on the administrative expenses of the United Nations Joint Staff Pension Fund;

"2. Approves expenses, chargeable directly to the Fund, totalling $40,208,300 net for the biennium 1996-1997, and an increase in expenses of $835,500 net for the biennium 1994-1995, for the administration of the Fund;

"3. Authorizes the United Nations Joint Staff Pension Board to supplement the voluntary contributions to the Emergency Fund, for the biennium 1996-1997, by an amount not exceeding $200,000."

4. The draft resolution was adopted.

Draft resolution A/C.5/50/L.30

5. Mr. ABELIAN (Armenia) said that under section IV of the draft resolution the General Assembly would decide that the amounts under expenditure sections 1 to 33, as provided under section III of the draft resolution, represented a provisional total of $2,712,265,200; would also decide that the projected level of savings to be achieved during the biennium would be $103,991,200; would further decide that the total level of expenditure provided for in 1996-1997 was $2,608,274,000; and lastly would decide that that amount should be assessed on Member States.

6. The draft resolution also reaffirmed the importance of General Assembly resolution 41/213 to the budget process. He trusted that it could be adopted without a vote.

7. Draft resolution A/C.5/50/L.30 was adopted.

8. Mr. SCOTTI (France) said that the fact that the Committee had adopted the draft resolution on the basis of the English text only was an exceptional situation. Every effort must be made to respect multilingualism.

9. Mrs. ARAGON (Philippines), speaking on behalf of the Group of 77 and China, said that adoption of the draft resolution by consensus was important in terms of ensuring the provision of resources to fully implement United Nations activities. The Group of 77 and China reaffirmed the importance of both the procedures established in General Assembly resolution 41/213 and of preparing the programme budget in accordance with the priorities established in the medium-term plan for the period 1992-1997, as revised. It was also important for Member States to demonstrate the requisite political commitment by ensuring that the necessary resources were provided.

10. Mr. KELLY (Ireland) said that his delegation supported the Secretary-General's proposals in respect of sections 3 and 26B. In that connection his delegation had reluctantly accepted the failure to establish any of the 27 posts requested by the Secretary-General under the regular budget on the understanding that the number of posts and the level of appropriations under those sections were provisional and would be reviewed during the examination of the support account and that any posts that might be established would be the subject of revised estimates in the context of the first performance report.

11. Mr. AMARI (Tunisia), speaking on behalf of the African Group, welcomed the adoption by consensus of the budget for the biennium 1996-1997. Nevertheless the African Group was disappointed that the overall level of resources proposed by the Secretary-General had not been accepted. In particular the African Group regretted that the procedure followed to arrive at a consensus had negated the procedure embodied in General Assembly resolution 41/213, which provided a mechanism for prior consultations between the Secretary-General and Member States on the level of resources required, with the understanding that once consultations had been completed the resulting proposals of the Secretary-General would be accepted by Member States. The development called into question the utility of continuing the practice of adopting the budget by consensus.

12. Now that Member States had adopted by consensus a budget at a level lower than that proposed by the Secretary-General, he trusted that all Member States, without exception, would fulfil their obligations to pay their assessed contributions in full, on time, and without conditions, to enable the Secretary-General to implement the Organization's mandates. Member States with outstanding contributions, particularly those Member States that were major contributors, should pay their outstanding arrears as a demonstration of their commitment to the Organization. That was particularly crucial if the financial crisis bedeviling the Organization was to be overcome.

13. The Secretary-General, in implementing approved programmes in the upcoming biennium, must adhere strictly to mandates adopted by the General Assembly and ensure that there was a minimal adverse effect on priority activities under the medium-term plan. Such activities should have a first claim on any resources made available through savings. The Secretary-General should seek the Assembly's approval prior to implementing proposals which might impact adversely on mandated programmes and activities.

14. The African Group welcomed the decision to establish a separate programme budget section specifically to deal with Africa, and trusted that the Secretary-General would provide that section with resources commensurate with the priority accorded to it by the General Assembly.

15. Mr. MEDINA (Morocco) said that his delegation had agreed to work on the basis of the English text on an exceptional basis. All languages must be treated equally, and the agreement of delegations must be sought should such a procedure be necessary in future.

The meeting was suspended at 10.35 p.m. and resumed at 11.40 p.m.

Draft report of the Fifth Committee (A/C.5/50/L.29 (Parts I and II))

16. Mr. MADDENS (Belgium), Rapporteur, introducing the draft report on the proposed programme budget for the biennium 1996-1997 (A/C.5/50/L.29 (Parts I and II)) said that the Committee recommended a gross appropriation of $2,712,265,200, with savings of $103,991,200, and an estimate for income other than income derived from staff assessment of $87,095,700. Net expenditure for the biennium 1996-1997 was thus estimated at $2,127,372,300.

17. The Committee also recommended an estimate of $393,806,000 as staff assessment for transfer in the course of the biennium 1996-1997 to the Tax Equalization Fund, from which credits were distributed to Member States in accordance with General Assembly resolution 973 (X).

18. The Committee had considered a consolidated statement of all programme budget implications and revised estimates that were subject to the criteria for the use of the contingency fund and the corresponding report of the Advisory Committee, which had been presented orally. The consolidated amount fell within the available balance of the contingency fund and the Committee therefore approved the required amounts under the relevant sections of the programme budget. The reservations expressed by the delegations with respect to certain

items of expenditure included in the budget estimates were reflected in the relevant summary records of the Committee.

19. The results of the decisions taken by the Committee on individual expenditure and income sections in first reading were contained in the report. The latter also listed the requirements under the various sections of the programme budget for the biennium 1996-1997. Finally, the report also dealt with the Committee's consideration of special subjects and contained its recommendations.

20. The CHAIRMAN invited the Committee to take action on draft resolutions II A (Budget appropriations for the biennium 1996-1997), B (Income estimates for the biennium 1996-1997) and C (Financing of appropriations for the year 1996) in the draft report.

21. Draft resolutions II A, B and C were adopted without a vote.

22. The CHAIRMAN drew attention to the report of the Secretary-General on the contingency fund: consolidated statement of programme budget implications and revised estimates (A/C.5/50/49).

23. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee had reviewed the report of the Secretary-General on the contingency fund: consolidated statement of programme budget implications and revised estimates (A/C.5/50/49). The amounts charged to the contingency fund amounted to $1,173,000, leaving a balance of $19,427,000 in the fund. In that regard, he wished to draw attention, once again, to paragraph 10 of document A/49/796, which requested the Secretary-General to submit, in the context of his proposed programme budget for the biennium 1996-1997, information on the nature of expenses charged to the contingency fund so far, in order to enable the Advisory Committee to review procedures for the use, operation and level of the fund. That request had been reflected in paragraph 7 of General Assembly resolution 49/217. The Advisory Committee requested that the information should be submitted to it for consideration in 1996.

24. The CHAIRMAN suggested that the Committee, in accordance with paragraph 5 of the annex to General Assembly resolution 42/211, should recommend to the General Assembly the appropriation of the required amounts: $1,173,000 under the relevant sections of the programme budget for the biennium 1996-1997, as distributed in paragraph 2 of document A/C.5/50/L.49, and that the Committee should inform the Assembly that a balance of $19,427,000 would remain in the contingency fund.

25. It was so decided.

26. The CHAIRMAN drew attention to draft resolution IV on unforeseen and extraordinary expenses for the biennium 1996-1997. Owing to lack of time, the Advisory Committee had not been in a position to give in-depth consideration to the report of the Secretary-General on that question (A/C.5/50/30). Accordingly, he suggested that the Fifth Committee should defer consideration of the issue to the resumed fiftieth session. In the meantime, the current

arrangements could continue until a decision was taken on the question on the basis of the report of the Advisory Committee.

27. It was so decided.

28. The CHAIRMAN invited the Committee to take action on draft resolution V on the Working Capital Fund for the biennium 1996-1997.

29. Mr. THORNE (United Kingdom) said that, owing to the lack of time, it had not been possible to reach a consensus on the amendments proposed by his delegation to the draft resolution under consideration. The United Kingdom, therefore, would return to the matter at the resumed session.

30. Draft resolution V was adopted without a vote.

AGENDA ITEM 114: REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS (continued) (A/C.5/50/L.18 and L.19)

Draft decision A/C.5/50/L.18

31. The CHAIRMAN invited the Committee to take action on the draft decision entitled "Biennial programme of work for the Fifth Committee for 1996-1997" (A/C.5/50/L.18).

32. Draft decision A/C.5/50/L.18 was adopted without a vote.

Draft decision A/C.5/50/L.19

33. The CHAIRMAN invited the Committee to take action on draft decision A/C.5/50/L.19 entitled "Action taken on certain items".

34. Draft decision A/C.5/50/L.19 was adopted without a vote.

COMPLETION OF THE COMMITTEE'S WORK

35. After an exchange of courtesies, in which Mr. CARVALHO (Brazil), on behalf of the Group of Latin American and Caribbean States, Mr. CHU Guangyou (China), on behalf of the Group of Asian States, Mr. ABELIAN (Armenia), Vice-Chairman, on behalf of the Group of Eastern European States, and Ms. ALMAO (New Zealand), on behalf of the Group of Western European and Other States, took part, the CHAIRMAN declared that the Fifth Committee had completed its work for the first part of the fiftieth session.

The meeting rose at 12.10 a.m.